

REMARKS

Regarding the Information Disclosure Statement of June 6, 2005 and the Examiner's opinion that the Statement failed to comply with 37 C.F.R. 1.98(a)(3), please see the Information Disclosure Statement filed simultaneously herewith in which it is pointed out that an English-language search report citing the relevance of the documents was enclosed with the Statement. In accordance with the provisions of M.P.E.P. §609.04(a)III, applicants, therefore, did comply with the applicable rules, and the documents should have been considered. Such action is, therefore, requested.

With respect to the rejections of claims 4-6 under 35 U.S.C. §112, second paragraph, claims 4 and 5 have been amended to avoid this rejection. With respect to the amendments to claim 4, please see page 36, lines 5-12 of the specification. With respect to the amendments to claim 5, please see page 41, lines 5-11 of the specification.

Claims 7 and 8 have been cancelled. In addition, a new claim 9 has been added that recites that the face portion is of a metal alloy. See page 14, lines 7-10 of the specification.

New claim 10 is a new independent claim reciting that the first outer shell member and the second outer shell member, and additionally the face portion are made of a metal alloy. See page 14, lines 7-10 of the specification.

New claim 11 is dependent on claim 10 and recites features of former claim 7 that "the golf club is included among a series of golf clubs adapted for different head speeds" and that "a composite material in which a fiber reinforced plastic is laminated is used for either or both of the first and second outer shell members, having an orientation angle of fibers thereof regulated according to a head speed."

New claim 12 is dependent on claim 10 and recites features of former claim 8 that “the golf club is included among a series of golf clubs adapted for different loft angles” and that “a composite material in which a fiber reinforced plastic is laminated is used for either or both of the first and second outer shell members, having an orientation angle of fibers thereof regulated according to a loft angle of the golf club.”

In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. §103(a) for being obvious over U.S. Patent No. 6,969,326 to DeShiell et al., hereafter DeShiell.

Since DeShiell was published on June 17, 2004 or after the effective filing date of this application, which is the filing date of December 8, 2003 (of International Application No. PCT/JP2003/015670, 35 U.S.C. §363), it is only available as a prior art reference against this case as of its filing date of August 4, 2003 [(35 U.S.C. §102(e)].

This application claims priority of Japanese Application No. 2002-355821 filed December 6, 2002. A certified copy of the Japanese Application was filed in the International Application. See Notice of Acceptance of December 23, 2005 and paragraph 12 of the Office Action Summary.

As required by 35 U.S.C. §119, to perfect applicants’ claim to priority, enclosed is a certified translation of Japanese Application No. 2002-355821 filed December 6, 2002.

Claims 1, 3, 4, 9 and 10 are supported by the Japanese application. While the subject matter of claims 4-6 is not, these claims depend from claims 3. Similarly, while the subject matter of claims 11 and 12 is not supported by the Japanese application, these claims depend from claim 10.

Accordingly, under the provisions of §119 it is believed applicants are entitled to December 6, 2002 as their effective filing date for the claims now pending in this case which is prior to the effective date of DeShiell as a prior art reference under 35 U.S.C. §102(e). Even if the teachings the Examiner is relying on in support of his rejections are taught in DeShiell's parent Application No. 10/316,453 filed December 11, 2002, this is still subsequent to applicants' effective filing date of December 6, 2002.

Accordingly, it is submitted that DeShiell is not available as a prior art reference in this case. Its withdrawal as a ground of rejection of the claims is, therefore, requested.

It is believed claims 1, 3-6, and 9-12 are in condition for allowance.

In the next communication from the Examiner, it would be appreciated if the Examiner would indicate that the Replacement Drawing filed June 6, 2005 was accepted.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

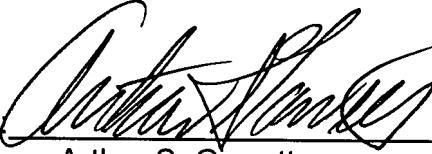
Please grant any extensions of time required to enter this Response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 13, 2007

By:


Arthur S. Garrett
Reg. No. 20,338
202-408-4091

Attachments: Certified translation of Japanese Application No. 2002-355821